

MANDATE

United States Court of Appeals For the First Circuit

04-10260
USDC/MA
Lindsay, J

No. 06-1581

UNITED STATES,
Appellee,

v.

CARLOS A. HOWELL,
Defendant - Appellant.

JUDGMENT

Entered: May 1, 2006
Pursuant to 1st Cir. R. 27(d)

By order entered April 12, 2006, appellant was directed to show cause in writing as to why this appeal should not be dismissed as duplicative of Appeal No. 06-1582. Appellant was warned that failure to respond by April 26, 2006 would lead to dismissal for lack of diligent prosecution.

Appellant having failed to file a timely response, it is hereby ordered that the above-captioned appeal be dismissed in accordance with Local Rule 3(b). Defendant's appeal shall proceed under No. 06-1582.

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

Richard Cushing Donovan, Clerk


Deputy Clerk

Date: 5/22/06

By the Court:
Richard Cushing Donovan, Clerk

JULIE GREGG

By: _____
Operations Manager

[cc: Theodore B. Heinrich, AUSA, Nancy Rue, AUSA, Walter H. Underhill, Esq.]